

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JAMES GREGORY LYNN	§	
VS.	§	CIVIL ACTION NO. 1:05cv868
DR. CHARLES WILSON, ET AL.	§	

**MEMORANDUM ORDER OVERRULING PLAINTIFF’S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Plaintiff James Gregory Lynn, a prisoner currently confined at the Connolly Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Dr. Charles Wilson, Lieutenant Lance C. Knod, Major Gatta Garmon, Jr., Captain Dennis Hall, and Correctional Officer James E. Barefield. The defendants are employed at the Stiles Unit where plaintiff was previously confined.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends denying plaintiff leave to proceed *in forma pauperis* and dismissing the action pursuant to 28 U.S.C. § 1915(g) unless plaintiff paid the \$250 filing fee within ten days.

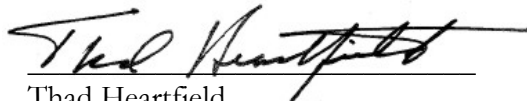
The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. Plaintiff did not pay the filing fee.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED this the **31** day of **January, 2006**.



Thad Heartfield
United States District Judge